

REMARKS

Claims 1-24 are pending in this application and under consideration. Claims 1, 9, and 17 are amended herein. Support for the amendments to claims 1, 9, and 17 may be found at page 14, lines 22-27 and page 15, lines 1-7 of the specification. Reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments, and the new grounds of rejection. Further favorable consideration is requested.

Claim Rejections - 35 U.S.C. § 103:

Claims 1, 2, 3, 9, 10, 11, 17, 18, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 6,931,657 to Marsh et al. (hereinafter "Marsh") in view of US Patent No. 5,258,739 to DeLuca et al. (hereinafter "DeLuca"). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 1, 9, and 17 recite substantially:

Retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information.

Neither Marsh nor DeLuca teach, disclose, or suggest "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited substantially in claims 1, 9, and 17. The Office Action acknowledges this deficiency with respect to Marsh in the first full paragraph at page 3, and attempts to compensate for it by combining Marsh with DeLuca.

DeLuca, however, is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," either, and thus cannot make up for the deficiencies of Marsh with respect to claims 1, 9, and 17.

DeLuca, rather, automatically truncates sufficient characters from the earliest stored, read *message* in the memory 14, not "character information obtained by said information

obtaining unit" as recited in claims 1, 9, and 17. In particular, as described at column 3, lines 58-63:

Referring to FIG. 5, a flow chart for the automatic truncate embodiment describes the process for automatically truncating sufficient characters from the earliest stored, read message in the memory 14 in order to be able to store a newly received message when the memory 14 is filled to capacity.

Since DeLuca automatically truncates sufficient characters from the earliest stored, read message in the memory 14, DeLuca is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17.

In DeLuca, moreover, only the *last* character from the earliest stored, read message is deleted if space is not available, not "the oldest retained character information of all of the retained character information" as recited in claims 1, 9, and 17. In particular, as described at column 3, lines 67 and 68, continuing at column 4, line 1:

If space is not available 52, the last character from the earliest stored, read message is deleted 54 and the character received is stored 53.

Since, in DeLuca, the last character from the earliest stored, read message is deleted if space is not available, DeLuca is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17.

DeLuca, moreover, takes the oldest message in the memory 14 and selectively deletes the *last* characters in that message, not "the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17. In particular, as described at column 4, lines 3-6:

This process takes the oldest message in the memory 14 and selectively deletes the last characters in that message until the newly received message is stored.

Since DeLuca takes the oldest message in the memory 14 and selectively deletes the last characters in that message, DeLuca is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17.

Moreover, in DeLuca, only a *part* of the earliest stored, unprotected message will be

deleted, not "the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17. In particular, as described at column 4, lines 6-9:

Generally, only a part of the earliest stored, unprotected message will be deleted, the remaining part being tagged as truncated for the user to see on subsequent reads.

Since, in DeLuca, only a part of the earliest stored, unprotected message will be deleted, DeLuca is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17. Thus, even if Marsh and DeLuca were combined as proposed by the Office Action, the claimed invention would not result.

Moreover, in DeLuca, a message with a protected status will *not* be truncated, no matter how old it is. In particular, as described at column 4, lines 9 and 10:

A message with a protected status will not be truncated.

Since, in DeLuca, a message with a protected status will not be truncated, DeLuca is not "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17. Thus, even if Marsh and DeLuca were combined as proposed by the Office Action, the claimed invention would not result.

DeLuca, finally, teaches away from overwriting "the oldest retained character information of all of the retained character information," as recited in claims 1, 9, and 17, when he describes deleting the earliest received message and storing the newly received message in its place as *undesirable*. In particular, as described at column 1, lines 27-35:

However, when the memory is already occupied by previously received messages and another message is received, typically the earliest received message is deleted and the newly received message is stored in its place. This deletion may be undesirable since the user of the selective call receiver may not want the earliest received message to be deleted or the message may contain information that the user will require at a later time.

Since DeLuca describes deleting the earliest received message and storing the newly received message in its place as undesirable, it is submitted that persons of ordinary skill in the art who read DeLuca for all it contained would not have viewed overwriting "the oldest retained character information of all of the retained character information" as making good sense either.

Marsh, moreover, also teaches away from the modification proposed by the Office Action in the section entitled "Background," where he describes storing programs for a specified period of time, i.e. until they are the oldest, and then erasing them as unfortunate. In particular, as described at column 1, line 62-67:

Unfortunately, these conventional devices tend to be relatively unsophisticated in that they only record user definable programs and/or service provider suggested channels. Moreover, these devices employ circular buffering techniques, wherein programs are recorded to a hard drive, stored for a specified period of time, and then erased (viewed or not) to make room for a later recorded program.

Since Marsh describes storing programs for a *specified* period of time and then erasing them as unfortunate, it is submitted that persons of ordinary skill in the art who read Marsh for all it contained would not have viewed overwriting "the oldest retained character information of all of the retained character information" as making good sense either.

Claims 1, 9, and 17 recite substantially further:

Wherein said search request unit makes said program information retaining unit search for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing in the character information retained by said information retaining unit.

Neither Marsh nor DeLuca teach, disclose, or suggest searching "for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as recited substantially in claims 1, 9, and 17. In Marsh, rather, bubbling agent 110 can monitor the content of recorded programs and look for patterns or similarities that point towards potential candidate selection criteria for future programming. In particular, as described at column 5, line 64-67, continuing at column 6, line 1:

Thus, for example, bubbling agent 110 can monitor the content of recorded programs and look for patterns or similarities that point towards potential candidate selection criteria for future programming.

Since, in Marsh, bubbling agent 110 can monitor the content of recorded programs and look for patterns or similarities that point towards potential candidate selection criteria for future programming, Marsh is not searching "for the program information of the program related to the

received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as recited substantially in claims 1, 9, and 17.

Moreover, in Marsh, intelligent content agent 108 and/or bubbling agent 110 may also access a select library list 116 that includes identifiable characteristics associated with recorded programs that have been recorded in the past. In particular, as described at column 6, lines 15-19:

In addition to EPG database 112 and viewer profile 114, intelligent content agent 108 and/or bubbling agent 110 may also access a select library list 116 that includes identifiable characteristics associated with recorded programs that have been recorded in the past.

Since, in Marsh, intelligent content agent 108 and/or bubbling agent 110 may also access a select library list 116 that includes identifiable characteristics associated with recorded programs that have been recorded in the past, Marsh is not searching “for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as recited substantially in claims 1, 9, and 17.

Finally, in Marsh, bubbling agent 110 may examine information in select library list 116 for program similarities, viewer watching patterns, etc. In particular, as described at column 6, lines 19, 20, and 21:

Thus, for example, bubbling agent 110 may examine information in select library list 116 for program similarities, viewer watching patterns, etc.

Since, in Marsh, bubbling agent 110 may examine information in select library list 116 for program similarities, viewer watching patterns, etc, Marsh is not searching “for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as recited substantially in claims 1, 9, and 17.

DeLuca, for its part, is storing messages in a selective call receiver, as described at column 1, lines 10 and 11, and would thus have had no use for searching “for the program information of the program related to the received program on the basis of character information

retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as recited substantially in claims 1, 9, and 17. Thus, even if Marsh and DeLuca were combined as proposed in the Office Action, the claimed invention would not result. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 10, 11, 18, and 19 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Claims 2, 3, 10, 11, 18, and 19 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 10, 11, 18, and 19 is also earnestly solicited.

Claims 1-4, 9-12, and 17-20:

Claims 1-4, 9-12, and 17-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,751,401 to Arai et al. (hereinafter “Arai”) in view of Marsh and DeLuca. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Neither Marsh nor DeLuca teach, disclose, or suggest “retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information,” or searching “for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as discussed above with respect to the rejection of claims 1, 9, and 17 over the combination of Marsh and DeLuca. Arai does not either, as acknowledged graciously by the Office Action in the first full paragraph at page 6, and thus cannot make up for the deficiencies of either Logan or DeLuca with respect to any of claims 6, 7, 8, 14, 15, 16, 22, 23, and 24. Thus, even if Arai, Marsh, and DeLuca were combined as proposed in the Office Action, the claimed invention would not result.

Marsh, moreover, teaches away from the modification proposed by the Office Action in the section entitled “Background,” where he describes storing programs for a specified period of time and then erasing them as unfortunate. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 depend from claim 1, claim 9, or claim 17 and

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add further distinguishing elements. Claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 is also earnestly solicited.

Claims 1, 2, 3, 5, 9, 10, 11, 13, 17, 18, 19, and 21:

Claims 1, 2, 3, 5, 9, 10, 11, 13, 17, 18, 19, and 21 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0120925 to Logan et al. (hereinafter “Logan”) in view of DeLuca. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Neither Logan nor DeLuca teach, disclose, or suggest “retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information,” as recited substantially in claims 1, 9, and 17. The Office Action acknowledges this deficiency with respect to Logan in the first full paragraph at page 9, and attempts to compensate for it by combining Logan with DeLuca.

DeLuca, however, is not “retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information,” either, as discussed above with respect to the rejection of claims 1, 9, and 17 over the combination of Marsh and DeLuca, and thus cannot make up for the deficiencies of Logan with respect to claims 1, 9, and 17. Thus, even if Logan and DeLuca were combined as proposed in the Office Action, the claimed invention would not result.

Neither Logan nor DeLuca teach, disclose, or suggest searching “for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as recited substantially in claims 1, 9, and 17. In Logan, rather, metadata used to display an electronic program guide (EPG) for the user is displayed in some convenient format information concerning the content of available broadcast programming. In particular, as described in paragraph [0123]:

Note that the metadata created at 111 and/or 180, and stored at 113 and/or 133, may include metadata used to display an electronic program guide (EPG) for the user which displays in some convenient format information concerning the content of available broadcast programming.

Since, in Logan, metadata used to display an electronic program guide (EPG) for the user is displayed in some convenient format information concerning the content of available broadcast programming, Logan is not searching “for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as recited substantially in claims 1, 9, and 17.

In Logan, moreover, the descriptive metadata created by professional editors and/or users can form the basis for finding and enjoying content that would otherwise be difficult to index because of its non-textual character. In particular, as described further in paragraph [0124]:

As noted earlier, metadata created by individual users may be simply stored locally at 133 as an Internet accessible resource. Web crawling "spider" programs executing on remote computers may then retrieve and index this metadata and then act as "search engine" directories that may be publicly accessed to locate metadata of interest. For example, a search for "Stardust" might locate metadata describing an audio recording of the song by that name, biographic programming about the composer or performing artists, and the like. Thus, the descriptive metadata created by professional editors and/or users can form the basis for finding and enjoying content that would otherwise be difficult to index because of its non-textual character.

Since, in Logan, the descriptive metadata created by professional editors and/or users can form the basis for finding and enjoying content that would otherwise be difficult to index because of its non-textual character, Logan is not searching “for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as recited substantially in claims 1, 9, and 17.

DeLuca, for its part, is storing messages in a selective call receiver, as described at column 1, lines 10 and 11, and would thus have had no use for searching “for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing,” as recited substantially in claims 1, 9, and 17. Thus, even if Logan and DeLuca were combined as

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proposed in the Office Action, the claimed invention would not result. Claims 1, 9, and 17 are submitted to be allowable. Withdrawal of the rejection of claims 1, 9, and 17 is earnestly solicited.

Claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 5, 10, 11, 13, 18, 19, and 21 is also earnestly solicited.

Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24:

Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan and DeLuca in view of Arai. The rejection is traversed to the extent that might apply to the claims as amended. Reconsideration is earnestly solicited.

Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 depend from claim 1, claim 9, or claim 17 and add further distinguishing elements. Neither Logan nor DeLuca teach, disclose, or suggest "retaining the character information obtained by said information obtaining unit in a way that is overwritten on the oldest retained character information of all of the retained character information," or searching "for the program information of the program related to the received program on the basis of character information retained at the time of receiving, from an input device, a notification of an operation of displaying or reserving the program related to the program content during the viewing," as discussed above with respect to the rejections of claims 1, 9, and 17. Arai does not either, as acknowledged graciously by the Office Action in the first full paragraph at page 6, and thus cannot make up for the deficiencies of either Logan or DeLuca with respect to any of claims 6, 7, 8, 14, 15, 16, 22, 23, and 24. Thus, even if Logan, DeLuca, and Arai were combined as proposed in the Office Action, the claimed invention would not result. Claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 are thus also submitted to be allowable. Withdrawal of the rejection of claims 6, 7, 8, 14, 15, 16, 22, 23, and 24 is also earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-24 are allowable over the cited references. Allowance of all claims 1-24 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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